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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 DASHAUN WRIGHT,  
8 Plaintiff,  
9 v.  
10 STATE OF NEVADA et al.,  
11 Defendants.  
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3:16-cv-00755-RCJ-WGC

## ORDER

13 || I. DISCUSSION

14 On December 27, 2016, Plaintiff, a *pro se* prisoner, initiated this case by filing an  
15 application to proceed *in forma pauperis* and a civil rights complaint pursuant to 42 U.S.C. §  
16 1983. (ECF No. 1, 1-1). On January 3, 2017, the Court denied the application to proceed *in*  
17 *forma pauperis*, without prejudice, as incomplete. (ECF No. 4). In that order, the Court noted  
18 that Plaintiff may have filed the case in this Court in error. (*Id.* at 2). The Court noted that  
19 Plaintiff's documents all contained the caption "In the 7<sup>th</sup> Judicial District Court of the State of  
20 Nevada in and for the County of White Pine." (*Id.*) The Court directed Plaintiff, within thirty  
21 days, to file a fully complete application to proceed *in forma pauperis*, pay the full \$400 filing  
22 fee, or file a motion to voluntarily dismiss the case if filed in error. (*Id.*)

23 On January 5, 2017, Plaintiff filed a motion to have his complaint struck from the record  
24 (ECF No. 5). The Court interprets this motion as a motion to voluntarily dismiss his case.  
25 Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without  
26 a court order by filing “a notice of dismissal before the opposing party serves either an answer  
27 or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s  
28 motion to voluntarily dismiss this action because no responsive pleading has been filed in this  
case. As such, the Court dismisses this action without prejudice.

## **II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that the Court interprets Plaintiff's motion to have his complaint struck from the record (ECF No. 5) as a motion for voluntary dismissal.

IT IS FURTHER ORDERED that the motion for voluntary dismissal (ECF No. 5) is granted.

IT IS FURTHER ORDERED that this case is dismissed in its entirety without prejudice.

IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff a copy of his complaint (ECF No. 1-1).

9 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
10 accordingly.

Dated: This 16<sup>th</sup> day of February, 2017.

R. Jones  
United States District Judge